



Pennsylvania
**Department of
Environmental Protection**

**COMMENT AND RESPONSE
DOCUMENT**

**Administration of the Land Recycling Program –
Chromium (VI)**

25 Pa. Code Chapter 250
55 Pa.B. 4346 (June 28, 2025)
Environmental Quality Board Regulation # 7-588
(Independent Regulatory Review Commission #3440)

INTRODUCTION

The Environmental Quality Board (Board or EQB) adopted the Administration of the Land Recycling Program – Chromium (VI) proposed regulation to amend 25 Pa. Code Chapter 250 (relating to administration of the Land Recycling Program) at its meeting on April 8, 2025. The proposed rulemaking would update the toxicity value for chromium (VI) (Cr(VI)) and result in updates to the Cr(VI) direct contact soil medium-specific concentrations (MSC).

On May 22, 2025, the Department of Environmental Protection (Department) submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Environmental Resources and Energy Committee and House Environmental and Natural Resource Protection Committee for review and comment in accordance with section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)).

PUBLIC COMMENT PERIOD

On June 28, 2025, the Board published the proposed rulemaking in the *Pennsylvania Bulletin*, (55 Pa.B. 4346) for a 30-day comment period. The public comment period closed on July 28, 2025. During the public comment period, the Board received comments from five individuals. The Independent Regulatory Review Commission (IRRC) did not comment on the proposed rulemaking.

This document summarizes the written comments received during the public comment period. In assembling this document, the Board has addressed all pertinent and relative comments associated with this rulemaking. For the purposes of this document, comments of similar subject material have been grouped together and responded to accordingly.

A list of the commentators including name, affiliation (if any), and location can be found on the following page. The comment ID list also includes identification numbers for each comment submission, which are referenced in parentheses following each comment in this document.

COPIES OF COMMENTS

All comments received by the Board during the public comment period are posted on the Department's eComment website at the following link:

<https://www.ahs.dep.pa.gov/eComment/ViewComments.aspx?enc=DN064MT8R38NKyiRv2iU7DOIfAi3Ay3tDJnLbFkh26k%3d>

Additionally, copies of all comments received by the Board on this rulemaking are posted on IRRC's website at the following link:

<https://www.irrc.state.pa.us/regulations/RegSrchRsIts.cfm?ID=3455>

List of Commentators

ID	Name/Affiliation/Address
1	Kristin Brug Philadelphia, PA
2	Christel Badey Media, PA
3	Karyl Carmignani Lancaster, PA
4	Karen Rowland Pennsburg, PA
5	Jyl Harrington Spring City, PA

No commentators requested a copy of the final-form rulemaking.

Appendix A, Table 4A – MSC values for Cr(VI)

1. **Comment:** The commentator noted that ensuring the medium-specific concentration (MSC) for residential soil is lowered appropriately and is essential to safeguard families, especially those in urban and former industrial neighborhoods. “While the increase in non-residential MSCs may ease remediation costs, it remains critical that residential protections are not compromised.”

The commentator urges “DEP to adopt the proposed science-based MSCs and maintain clear public communication regarding the changes.” The commentator also encourages:

- a. Transparent explanation of how these updates will impact real-world cleanup sites
- b. Active outreach to small businesses and property owners to ensure they understand new obligations and deadlines
- c. Continued periodic updates to cleanup standards as science evolves, under § 250.11’s 36-month review cycle (1)

Response: DEP remains committed to providing transparency with the adoption of new science-based MSCs through consultation with the Cleanup Standards Scientific Advisory Board and through the public comment process. DEP maintains active public outreach through emailing new information to the Pennsylvania Brownfields Bulletin Stakeholder List, which provides updates on new regulations and their real-world impact on cleanup sites for small businesses, property owners and all stakeholders. Joining the Brownfields Bulletin Stakeholder List is free and can be done on the Land Recycling Program’s website at <https://www.pa.gov/agencies/dep/programs-and-services/land/land-recycling-program/brownfield-redevelopment/mailling-list-and-links>. New regulations are also published in the *Pennsylvania Bulletin* and links are provided on DEP’s Land Recycling Program website at <https://www.pa.gov/agencies/dep/programs-and-services/land/land-recycling-program>. Additional outreach efforts include training, speaking at conferences and other related events, as well as through the biennial Pennsylvania Brownfields Conference.

DEP will continue to update cleanup standards as science continues to evolve, and new information becomes available as per 25 Pa. Code § 250.11.

General

- 2. Comment:** One commentator requested that the Department advance the Land Recycling Program's mission to clean up the previous damage to the land and make clean air and water the top priorities for Pennsylvania. The commentator noted that it is our obligation to protect the environment for our children and grandchildren. **(2)**

Three commentators recommended that the Department should support the Governor's actions regarding protecting the environment, including clean air and water in this regulation and consider the long-term consequences. **(3, 4, 5)**

Response: DEP is committed to its mission to protect Pennsylvania's air, land, and water resources and to provide for the health and safety of its residents and visitors, consistent with the rights and duties established under the Environmental Rights Amendment (Article 1, Section 27 of the Pennsylvania Constitution). The Land Recycling Program furthers DEP's mission by promoting partnerships with the private sector to clean up contaminated properties. The redevelopment of contaminated, vacant, and underutilized properties maximizes existing infrastructure, thereby preserving farmland, open space and natural spaces for future generations. Examples of successful brownfield redevelopment projects in Pennsylvania can be found on the Land Recycling Program's Success Stories webpage at <https://www.pa.gov/agencies/dep/programs-and-services/land/land-recycling-program/brownfield-redevelopment/success-stories>.